

NATURAL RESOURCES DEPARTMENT[561]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 558.69 as amended by 2010 Iowa Acts, House File 2437, the Department of Natural Resources hereby gives Notice of Intended Action to amend Chapter 9, “Groundwater Hazard Documentation,” Iowa Administrative Code.

The proposed amendment adopts by reference a revised Form 542-0960, “Groundwater Hazard Statement,” to incorporate changes to the private sewage disposal requirements contained in Iowa Code section 455B.172(11) and the groundwater hazard statement requirements contained in Iowa Code section 558.69. These changes were enacted by the Iowa Legislature in 2010 Iowa Acts, House File 2437.

A public hearing will be held on Thursday, June 24, 2010, at 1 p.m. in the Fifth Floor West Conference Room of the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. Any interested person may make written suggestions or comments on the proposed amendment by submitting those comments on or before 4 p.m. on June 24, 2009. Written comments should be directed to Jon C. Tack, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; fax (515)281-8895; E-mail: jon.tack@dnr.iowa.gov. A copy of the proposed Groundwater Hazard Statement may be obtained by contacting Jon Tack.

This amendment is intended to implement Iowa Code section 558.69 as amended by 2010 Iowa Acts, House File 2437, section 6.

The following amendment is proposed.

Amend subrule 9.2(1) as follows:

9.2(1) The transferor or the transferor’s agent or attorney shall sign department Form 542-0960, “Groundwater Hazard Statement,” which may be obtained from the department or local county recorder. An agent or attorney may sign the form for the transferor, but in doing so the agent or attorney represents that a good faith inquiry of the transferor has been made regarding the information contained in the form, and that the information is correct. The department hereby adopts by reference Form 542-0960, “Groundwater Hazard Statement,” as amended through ~~June 26, 2009~~ [insert the effective date of this amendment]. For all real estate transactions dated July 1, 2009, or later, a county recorder shall accept only the ~~amended and revised~~ currently adopted form, ~~as adopted by reference on April 1, 2009. Beginning September 1, 2009, a county recorder shall accept only the amended and revised form as amended through June 26, 2009, as adopted by reference. From July 1, 2009, through August 31, 2009, either of the above-referenced forms may be used.~~ The department authorizes the reproduction of Form 542-0960 by any person through photocopying or electronic means so long as the general format and wording are not altered in the reproduction thereof.